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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,856	03/29/2001	Hidco Goto	205108US2	3774
22850 7590 03/08/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/08/2007.

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Office Action Summary

Application No.

09/819,856

Applicant(s)

GOTO ET AL.

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's response filed December 28, 2006. Applicant's response amended claims 46-52. Currently claims 46-52 are pending.

Response to Amendment

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

3. Applicant's arguments with respect to claims 46-52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pipkin, Inc.'s Maxima Advantage system (Pipkin) characteristics and features of which are disclosed in at least the following supporting references:

- I. Pipkin.com Web Pages (May, 1998), herein after reference A;
- II. Pipkin.com Web Pages (November, 1999), herein after reference B; and
- III. Pipkin Enhances Industry-Leading Workforce Management System with New Wireless Capability (January, 2000), herein after reference C;
- IV. Maxima Advantage (June, 2000), herein after reference D.

in view of O'Brien, Kenneth, U.S. Patent No. 6,587,831 and further in view of Thompson et al., U.S. Patent Publication No. 2002/0029160.

Regarding Claims 46 and 51-52 Pipkin teaches a work management system and method comprising:

- a management apparatus (subsystem, component, server, etc.) connected to a plurality of mobile devices (remote terminals, personal digital assistance, wireless communication devices, web enabled handheld devices, etc.; WAVE; reference B:

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Paragraphs 1-2, Page 2; Page 6; Page 9; reference C: Page 1; reference D: Column 1, Bullet 5, Page 97; Figures 2a-2b);

- setting a number of persons needed for each of predetermined time slots on each day via a display/information inquiring unit/screen (forecasting, correlated forecasting, staffing requirements; reference A: Paragraph 2, Page 1; Pages 7, 12; Figures 7-8; reference B: Page 8; reference C: Paragraphs 2-3, Page 2; reference D: Column 1, Bullet 1, Page 97);

- setting a date of an event (marketing event, promotion, etc.) and a number of persons needed for each predetermined timeslot on each date of the event via a display/information inquiry unit/screen (correlated forecasting; reference A: Paragraph 2, Page 7; Pages 10-11; Figures 10-11; reference B: Paragraph 1, Page 5; Page 8; reference C: Paragraph 2, Page 2; reference D: Column 1, Bullet 1, Page 97);

- storing the acquired information (work management file, database, table, memory, etc.; reference A: Paragraphs 1, 4, Page 1; reference D: Column 2, Page 94; Last Bullet, Page 96; Column 1, Bullet 2, Page 97; Column 3, Paragraph 3, Page 98);

- storing employee information (employee information file, database; skills, preferences, adherence, etc.; reference A: Paragraphs 1, 4, Page 1; Page 13; Figure 13; reference B: Paragraphs 3-5, Page 2; reference D: Column 2, Page 94; Last Bullet, Page 96; Column 1, Bullet 2, Page 97; Column 3, Paragraph 3, Page 98) who are grouped (i.e. grouping employees according to types of jobs (skill types/groups, queues, call types, team, etc; reference A: Paragraph 2, Page 1; Paragraph 1, Page 7;

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Paragraph 2, Page 12; Figures 5, 7; reference C: Paragraph 4, Page 2; reference D: Columns 2-3, Page 97);

- displaying a selectable menu screen/button including a (temporary, event, week, day, month, etc.) shift table generation button (link; SkillSense scheduling; reference A: Pages 5-6, 7, 9; Figure 5; reference B: Paragraphs 2-3, Page 4; Paragraph 1, Page 5; Pages 6, 9; reference C: Paragraphs 1-2, 4, 6, Page 1; reference D: Last Bullet, Page 96; Column 1, Last Paragraph, Page 98; Figure 1);

- generating a temporary shift table (schedule, shift, tour, etc.) in which work schedules of employees are temporarily (initially, tentatively, etc.) set based on the stored work and employee information (i.e. setting staff/agent schedules in anticipation of the temporarily/fixed time marketing event; reference A: Paragraph 2, Page 7; reference A: Pages 5-6, 9-11; Figures 5, 10-11; reference B: Paragraph 1, Page 5; Page 8; reference C: Paragraph 2, Page 2; reference D: Column 1, Bullet 1, Page 97);

- distributing, to mobile devices, an address for browsing the temporary shift table (work schedule, assignments, etc.; WAVE; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Abstract; Paragraphs 4-6, Page 1; Paragraph 7, Page 2; reference D: Page 98; Figures 2a-2b); and

- wherein the mobile devices (handheld PC, "Any Wireless Browser-Enabled Device") comprise (WAVE; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Abstract; Paragraphs 4-6, Page 1; Paragraph 7, Page 2; reference D: Page 98; Figures 2a-2b):

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- a display unit for displaying temporary shift table information;
- a response/information sending unit for sending response information

indicating the approval of the temporary shift table (work assignment) or requesting re-organizing of the temporary shift table.

While Pipkin teaches the utilization of well-known wireless capabilities to remotely access the work management system via any wireless browser enabled device wherein users access a web address to view, modify and review shift schedules Pipkin does not expressly teach distributing emails to a plurality of mobile phones via a network, or receiving responses to distributed emails sent to groups of workers related to the scheduling of workers as claimed.

O'Brien teaches distributing emails to a plurality of remote terminals via a network (instant messages, "push", bulletins, etc.; Column 4, Lines 58-68; Column 5, Lines 1-4; Column 6, Lines 18-25, 52-68; Column 7, Lines 1-2, 25-37; Column 8, Lines 14-16; Column 9, Lines 9-16; Figures 1-2) and receiving responses to the distributed emails sent to specific groups of workers related to the scheduling of those workers to fulfill workforce shortages (e.g. leave requests; Column 7, Lines 25-37; Column 7, Lines 15-52) in an analogous art of workforce scheduling for the purposes of ???

More generally O'Brien teaches a work management system and method comprising:

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- a management apparatus connected to a plurality of mobile devices (Column 3, Lines 5-15; Figure 1);
- scheduling workers for special events (e.g. peaks in demand; Column 6, Lines 5-17);
- storing the acquired worker and employee information (Column 3, Lines 64-68; Column 4, Lines 12-27, 40-44);
- generating a employee schedules (work shifts) by position (group of employees) based on the stored work and employee information (Column 3, Lines 64-68; Column 4, Lines 1-9, 45-68);
- distributing, to remote terminals, an address for browsing the temporary shift table (Column 4, Lines 58-68; Column 5, Lines 1-4; Column 6, Lines 18-25, 52-68; Column 7, Lines 1-2, 25-37; Column 8, Lines 14-16; Column 9, Lines 9-16; Figures 1-2);
- distributing emails (notifying) specific groups of persons to be recruited to fill the workforce shortage (Column 9, Lines 5-16) or those persons effected by shift/work schedule changes or shift requests ("the schedule in the schedule data store 156 is available for viewing and notifications can be distributed automatically through an outbound queue 162 to preselected users (e.g., managers and/or employees). The processing unit 158 routes data from managers and employees to the appropriate database, initiates a response, when appropriate, and routes such response to the preselected managers and/or employees. ", Column 4, Lines 65-68; Column 5, Lines 1-5; "Every bulletin includes a message, identifies the sender and identifies the recipient or recipient group if the user is an intended recipient for a bulletin or if the user is in the

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group of intended recipients, the bulletin is displayed at step 520. Some or all of the bulletins can be automatically pushed to the manager or employee by e-mail, instant messaging or other electronic means.”, Column 6, Lines 63-68; Column 7, Lines 1-2; “After generating a schedule, the processing unit 158 distributes bulletins to those effected by the schedule through the outbound queue 162. In this way, the employee is automatically notified of whether his or her shift request was accommodated or not and the manager can also be notified if desired. In addition, the employee can view the schedule by a selection from the menu at step 530.”, Column 7, Lines 32-38);

- wherein the remote terminals (Column 4, Lines 58-68; Column 5, Lines 1-4; Column 6, Lines 18-25, 52-68; Column 7, Lines 1-2, 25-37; Column 8, Lines 14-16; Column 9, Lines 9-16; Figures 1-2);

- a display unit for displaying temporary shift table information;
- a response/information sending unit for sending response information

indicating the approval of the temporary shift table (work assignment) or requesting re-organizing of the temporary shift table (Column 7, Lines 17-52; Column 8, Lines 45-52; Column 9, Lines 17-30).

It would have been obvious to one skilled in the art at the time of the invention that the work management system and method as taught by Pipkin, with its ability to enable users to remotely/wirelessly interact with the scheduling/management apparatus, would have benefited from utilizing email or any of a plurality of well known “push” technologies to distribute and receive information related to generating worker

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schedules in view of the teachings of O'Brien; the resultant system/method enabling businesses/users to notify the appropriate group of persons (preselected users) via email that are effected by work schedule changes (O'Brien: Column 7, Lines 32-38) or contact a specific group of persons, having the same position as the user, to fulfill a workforce shortage (O'Brien: Column 9, Lines 5-15).

Neither Pipkin nor O'Brien expressly teach distributing emails to a plurality of mobile phones or receiving responses from a plurality of mobile phones in order to schedule a workforce as claimed. Specifically Neither Pipkin nor O'Brien expressly teach distributing an email for *recruiting* a person to fill a *workforce shortage* according to the response information to the *mobile phones* of employees who belong to a group and subsequently receiving application information from the *mobile phones* in response to the *recruiting email* as claimed.

Thompson et al. teach distributing an email for recruiting a person to fill a workforce shortage (Paragraphs 0009, 0011, 0020, 0022, 0076, 0117, 0121; Figure 2A) according to the response information to the mobile phones (Paragraphs 0054-0055, 0057; Figure 1A, Element 12) of employees who belong to a group and receiving application information sent from the mobile phone in response to the recruiting email (Paragraphs 0012, 0023, 0081, 0119, 0121, 0124) in an analogous art of workforce scheduling for the purposes of identifying, notifying, recruiting and schedule, via a plurality of channels including but not limited to emails to mobile phones/devices,

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persons needed to fulfill a workforce shortage such as those caused by unexpected absences (Abstract; Paragraph 0020, 0022).

More generally Thompson et al. teach a work management system and method comprising:

- a management apparatus connected to a plurality of mobile telephones via a network (Paragraphs 0054, 0055, 0057; Figure 1A, Element 12);
- receiving and storing employee and work information (Paragraphs 0011-0012, 0020-0021; Figures 1A-1B, 3-4, 14);
- distributing an email including the temporary shift table to a plurality of mobile phones (Paragraph 0066, 0078; Figure 4, Element 144; Figures 2C-2D);
- receiving response information from the mobile phones, responsive to the distributed email (Figure 2D);
- distributing an email for recruiting a person to fill a workforce shortage according to the response information to the mobile phones of employees who belong to a group (Paragraphs 0079, 0103, 0109, 0117, 0123-0127);
- receiving application information from the mobile phones in response to the recruiting email (Paragraphs 0012, 0023, 0081, 0119, 0121, 0124);
- generating a settled (final, complete, approved, etc.) in which scheduled working hours of employees are settled (determined) based on the response and application information received (Paragraphs 0012, 0023, 0121, 0123); and
- distributing an email including an address to browse the settled shift table to the mobile phones wherein the mobile phones comprise:

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- displaying the temporary shift table at the address after the temporary shift table email is received (Paragraphs 0081-0082, 0089; Figures 2B-2D);
- sending response information including accepting the temporary shift table or request for re-organizing the temporary shift table (change, edit, update, modify, etc.; Paragraphs 0012, 0023, 0081, 0119, 0121); and
- sending application information in response to recruiting email (Paragraphs 0012, 0023, 0081, 0119, 0121, 0124).

It would have been obvious to one skilled in the art at the time of the invention that the work management system and method as taught by the combination of Pipkin and O'Brien, with its ability to distribute emails to a plurality of remote terminals via a network and receive responses to the distributed emails sent to specific groups of workers related to the scheduling of those workers to fulfill workforce shortages, would have benefited from distributing an email for recruiting a person to fill a workforce shortage according to the response information to the *mobile phones* of employees who belong to a group and subsequently receiving application information from the *mobile phones* in response to the recruiting email as taught by Thompson et al.; the resultant system and method enabling businesses to identify, notify, and recruit, via a plurality of channels including but not limited to emails to mobile phones/devices, persons needed to fulfill a workforce shortage such as those caused by unexpected absences (Thompson et al.: Abstract; Paragraph 0020, 0022).

Regarding Claim 47 Pipkin teaches a work management system and method further comprising setting an employee (staff, personnel, user, etc.) priority/ranking and reordering stored employee information based on the set employee priority/ranking/seniority (reference A: Page 13; Figure 13; reference C: Paragraph 3, Page 2; reference D: Column 1, Bullet 3, Page 97).

Regarding Claim 48 Pipkin teaches a work management system and method further comprising setting and storing a day off (vacation, availability, attendance preferences, etc.) of an employing company (reference A: Figures 6, 9; reference B: Paragraph 5, Page 2; reference C: Paragraphs 3, 7, Page 2).

Regarding Claim 49 Pipkin teaches a work management system and method further comprising grouping employees according to types of jobs (skill types/groups, queues, call types, team, etc.) in an employing company or workable time slots (reference A: Paragraph 2, Page 1; Paragraph 1, Page 7; Paragraph 2, Page 12; Figures 5, 7; reference C: Paragraph 4, Page 2; reference D: Columns 2-3, Page 97).

Regarding Claim 50 Pipkin teaches teach a work management system and method further comprising (WAVE, Wireless Advantage; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Paragraphs 1-3, 5, 7-8, Page 1; Paragraph 7, Page 2):

- receiving response information from the mobile phones (wireless device);

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- generating a settled (final, agreed upon, etc.) shift table (schedule) based on the received response information; and
- distributing, to mobile devices, an address for browsing the settle shift table (work schedule).

While Pipkin teaches the utilization of well-known wireless capabilities to remotely access the work management system via any wireless browser enabled device wherein users access a web address to view, modify and review shift schedules Pipkin does not expressly teach distributing an email including an address to the mobile phones as claimed.

O'Brien teaches distributing an email schedule notifications (messages, bulletins; Column 6, Line 68; Column 7, Lines 1-12) in an analogous art of network-based workforce scheduling for the purposes of notifying users (managers, employees, etc.) of work schedules, revised as well as final, shift requests, schedule changes and the like (Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely, over the Internet via a plurality of remote terminals, view and modify work schedules (Column 7, Lines 1-50; Figures 1-2).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for work management as taught by Pipkin would have benefited from notifying users of the shift schedules by sending an email to one or more

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user mobile devices including but not limited to mobile phones in view of the teachings of O'Brien, the resultant system/method notifying users (managers, employees, etc.) of work schedules, shift requests, schedule changes and the like (O'Brien: Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely, over the Internet via a plurality of remote terminals, view and modify work schedules (O'Brien: Column 7, Lines 1-50; Figures 1-2).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bucci et al., U.S. Patent No. 6,823,315, teach a work management system and method for generating workforce schedules based on work and employee information wherein the schedules are iteratively modified to adjust for changing work and employee information.
- Lo et al., U.S. Patent NO. 7,155,519, teach a system and method for generating workforce schedules/shift tables for a mobile workforce.

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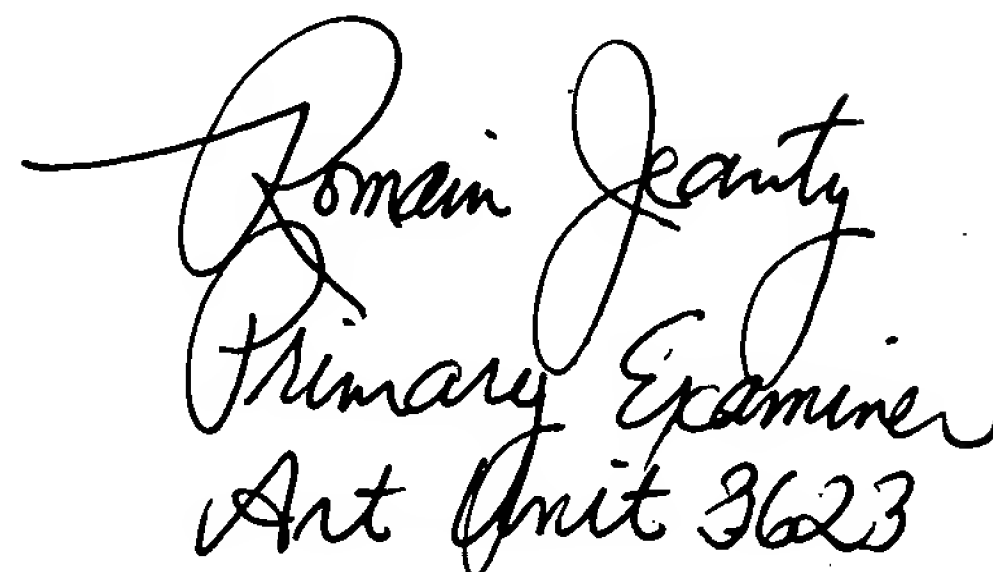
- Visual Staff Scheduler Pro (1997), teaches a commercially available work management system and method for generating work shift schedules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott L. Jarrett
Asst. Patent Examiner
3/5/2007



Romain Jeaunty
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Art Unit 3623